

REMARKS/ARGUMENTS

Claims 1-20 are subject to a restriction requirement under 35 U.S.C. 121 for claiming the following allegedly patentably distinct species:

1. The species of Figures 1-3;
2. The species of Figures 4-6.

Applicant elects claims 1-8 and 11-20 directed to Figures 1-3 with traverse.

Clearly, the Office will have to examine each of the alleged different species in order to determine patentability of the selected claims. Consequently, the Examiner's division of the case is respectfully suggested to be untenable.

The Examiner has divided the invention into supposed species. The Examiner contends the species are distinct "because each of them has a distinct feature." The Examiner has not provided reasons and/or examples to support this conclusion. *See: M.P.E.P. § 803, Guidelines.* Under M.P.E.P. § 808.02, the Examiner is required to show by appropriate explanation a separate classification, or separate status in the art, or a different field of search. (Emphasis added). It is respectfully suggested that the Examiner has parceled the drawings improperly.

Claims 1-20 recite and define same essential characteristics of the invention, i.e. the claims are non-distinct. Claims 9 and 10 recite "nibs" on the commonly claimed end

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portions of the first pair of arms. These claims are but different definitions of the same disclosed subject matter, varying in breadth or scope of the definition of all the claims. Claims may include two or more disclosed embodiments within the breadth and scope of the invention. Under, M.P.E.P. § 806, restriction therebetween is not required.

The species requirement is respectfully suggested to be erroneous. If the Examiner disagrees, applicant's undersigned attorney would be happy to talk with him at (314) 238-2400.

Respectfully Submitted:

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